

## Message Text

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ACTION IO-11

INFO OCT-01 ISO-00 AF-06 ARA-10 EA-09 EUR-12 NEA-10 FEA-01

AGR-10 CEA-01 CIAE-00 COME-00 DODE-00 EB-07 FRB-01

H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-02

AID-05 CIEP-02 SS-15 STR-04 ITC-01 TRSE-00 USIA-15

PRS-01 SP-02 OMB-01 /153 W  
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R 041707Z MAR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 6141

INFO AMEMBASSY LIMA

USMISSION GENEVA

UNCLAS USUN 832

E.O. 11652: N/A

TAGS: EGEN, UN

SUBJECT: MULTINATIONAL CORPORATIONS: CORRUPT PRACTICES

1. USUN HAS RECEIVED A NOTE FROM THE SECRETARY GENERAL, REQUESTING THAT THE U.S. GOVERNMENT SUBMIT A REPORT BY APRIL 30, 1976, IN RESPONSE TO GENERAL ASSEMBLY RESOLUTION 3514 (XXX). THE NOTE IS REPEATED BELOW.

QUOTE

THE SECRETARY-GENERAL OF THE UNITED NATIONS PRESENTS HIS COMPLIMENTS TO THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS AND HAS THE HONOUR TO REFER TO GENERAL ASSEMBLY RESOLUTION 3514 (XXX) OF 15 DECEMBER 1975 ON "MEASURES AGAINST CORRUPT PRACTICES OF TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED".

IN OPERATIVE PARAGRAPH 3 OF THE ABOVE-MENTIONED RESOLUTION, THE GENERAL ASSEMBLY CALLS UPON BOTH HOME AND HOST GOVERNMENTS TO TAKE,  
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WITHIN THEIR RESPECTIVE NATIONAL JURISDICTIONS, ALL NECESSARY

MEASURES WHICH THEY DEEM APPROPRIATE, INCLUDING LEGISLATIVE MEASURES, TO PREVENT SUCH CORRUPT PRACTICES, AND TO TAKE CONSEQUENT MEASURES AGAINST THE VIOLATORS.

IN OPERATIVE PARAGRAPH 4 OF THE ABOVE-MENTIONED RESOLUTION, THE GENERAL ASSEMBLY CALLS UPON GOVERNMENTS TO COLLECT INFORMATION ON SUCH CORRUPT PRACTICES, AS WELL AS ON MEASURES TAKEN AGAINST SUCH PRACTICES, AND TO EXCHANGE INFORMATION BILATERALLY AND, AS APPROPRIATE,

MULTILATERALLY, PARTICULARLY THROUGH THE UNITED NATIONS CENTRE ON TRANSNATIONAL CORPORATIONS.

IN OPERATIVE PARAGRAPH 5 OF THE ABOVE-MENTIONED RESOLUTION, THE GENERAL ASSEMBLY CALLS UPON HOME GOVERNMENTS TO CO-OPERATE WITH GOVERNMENTS OF THE HOST COUNTRIES TO PREVENT SUCH CORRUPT PRACTICES, INCLUDING BRIBERY, AND TO PROSECUTE, WITHIN THEIR NATIONAL JURISDICTIONS, THOSE WHO ENGAGE IN SUCH ACTS.

FINALLY, IN OPERATIVE PARAGRAPH 7, THE GENERAL ASSEMBLY REQUESTS THE SECRETARY-GENERAL TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-FIRST SESSION THROUGH THE ECONOMIC AND SOCIAL COUNCIL ON THE IMPLEMENTATION OF THIS RESOLUTION.

TO ASSIST HIM IN THE PREPARATION OF THIS REPORT, THE SECRETARY-GENERAL

WOULD BE GRATEFUL IF HIS EXCELLENCY'S GOVERNMENT COULD PROVIDE HIM WITH

RELEVANT INFORMATION, INCLUDING ON THE FOLLOWING MATTERS:

- (A) THE EXTENT TO WHICH CORRUPT PRACTICES AS REFERRED TO IN RESOLUTION 3514 (XXX) HAVE BEEN ENCOUNTERED IN HIS COUNTRY AND THE MEASURES TAKEN BY HIS GOVERNMENT.
- (B) THE FINDINGS OF RELEVANT STUDIES OR INVESTIGATIONS CARRIED OUT BY HIS GOVERNMENT AND AVAILABLE STATISTICS.
- (C) THE RELEVANT EXISTING LAWS, PENAL CODE AND SPECIAL LEGISLATION.
- (D) THE EXISTING RANGE OF SANCTIONS.
- (E) THE DIFFICULTIES FACED IN OBTAINING PERTINENT INFORMATION AVAILABLE IN OTHER COUNTRIES.

THE SECRETARY-GENERAL WOULD ALSO BE MOST GRATEFUL TO RECEIVE ANY SUGGESTIONS WHICH HIS EXCELLENCY'S GOVERNMENT MAY HAVE FOR DEALING

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WITH THIS PROBLEM, INCLUDING PROPOSALS AIMED AT FACILITATING CO-OPERATION AND THE EXCHANGE OF INFORMATION BETWEEN HOME AND HOST COUNTRIES ON A BILATERAL BASIS, AS WELL AS MULTILATERALLY, PARTICULARLY THROUGH THE UNITED NATIONS CENTRE ON TRANSNATIONAL CORPORATIONS.

THE SECRETARY-GENERAL WOULD APPRECIATE RECEIVING THE REPLY OF HIS EXCELLENCY'S GOVERNMENT BY 30 APRIL 1976, SO THAT IT CAN BE

TAKEN INTO ACCOUNT IN HIS REPORT WHICH MUST BE SUBMITTED, IN THE  
FIRST INSTANCE, TO THE ECONOMIC AND SOCIAL COUNCIL AT ITS  
SIXTY-FIRST SESSION IN JULY 1976.

2 MARCH 1976

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